

Amendments to the Specification:

Please amend the specification as follows:

PLECTRANTHUS PLANT NAMED '~~CAPE ANGELS PINK~~''P000306'

Latin name of genus and species of the plant claimed:

Plectranthus ~~hybridus~~hybrida

Variety denomination:

~~Cape Angels Pink~~P000306

BACKGROUND OF THE INVENTION

The present invention relates to a new and distinct cultivar of *Plectranthus* plant, botanically known as *Plectranthus ~~hybridus~~hybrida* (Family Lamiaceae), hereinafter referred to by the name '~~Cape Angels Pink~~''P000306'.

The new *Plectranthus*, '~~Cape Angels Pink~~''P000306', is a product of a planned breeding program conducted by the Inventor, Gert Johannes Brits, in Stellenbosch, Republic of South Africa. The objective of the breeding program is to improve upon the *Plectranthus* varieties currently available, such as current blue-marketthe cultivar 'Edelbau' (unpatented) by developing a *Plectranthus* variety with more compact growth habit, larger flowers and improved vigor. The new *Plectranthus* originated from a hybrid backcross by the Inventor between a proprietary selection of *Plectranthus saccatus* named 'F1' (*Plectranthus saccatus* x *P. hilliardiae*; unpatented) and a proprietary selection of unnamed *Plectranthus hilliardiae* (unpatented). The parental cultivar, *P. hilliardiae*, has a compact plant habit, large elongated leaves, purple veined leaves on the underside, and a narrow, elongated flower tube. The parent cultivar *P. saccatus* has a tall, straggly plant habit, the leaves are not

elongated, green leaves on the underside, and large, wide flower tube, largest flower in the genus.

The new cultivar has been produced only by vegetative propagation (cuttings). The Inventor selected the new *Plectranthus* cultivar from the progeny of the above cross in 2001 on the basis of its compact growth habit, larger flowers and increased vigor.

Asexual reproduction of the new cultivar by terminal cuttings taken and propagated in 1999-2000, has shown that each of the progenies exhibit characteristics identical to the original plant. These characteristics have been shown to come true to form through many generations of asexual propagation under commercial production conditions in Nr. Lyndelse, Fyn, Denmark. The present invention has been tested under lighted greenhouse conditions and for keeping quality in a consumer environment, but may differ in various aspects if grown under different conditions.

SUMMARY OF THE INVENTION

Plants of the cultivar ~~'Cape Angels Pink'~~ 'P000306' have not been observed under all possible environmental conditions. The phenotype may vary somewhat with variations in environment such as temperature, light intensity, day length, and fertility level without, however, any variance in genotype.

The following traits have been repeatedly observed and are determined to be the unique characteristics of ~~'Cape Angels Pink'~~ 'P000306'. These characteristics in combination distinguish ~~'Cape Angels Pink'~~ 'P000306' as a new and distinct cultivar:

1. Light pink flowers;
2. Compact and freely branching plant habit;

3. Shorter production time, 12 – 14 weeks compared to 16 – 28 weeks; and

4. Dense, colorful foliage.

Side-by-side comparisons between the instant plant and other similar *Plectranthus* were conducted by the Inventor, including the variety 'Edelblau'. Plants of ~~'Cape Angels Pink'~~ 'P000306' differ from other similar *Plectranthus* cultivars and the variety 'Edelblau' in the following characteristics:

1. Plants of ~~'Cape Angels Pink'~~ 'P000306' have larger light pink flowers than plants of similar *Plectranthus* cultivars.
2. Plants of ~~'Cape Angels Pink'~~ 'P000306' have better branching growth habit and denser, more colorful foliage than plants of similar *Plectranthus* cultivars.
3. Plants of ~~'Cape Angels Pink'~~ 'P000306' have a faster growth rate than plants of similar *Plectranthus* cultivars.

BRIEF DESCRIPTION OF THE DRAWINGS

The accompanying photographic drawings illustrate the overall appearance of the new cultivar, showing the colors as true as it is reasonably possible to obtain in colored reproductions of this type. Colors in the photographs may differ slightly from the color values cited in the detailed botanical description, which more accurately describe the actual colors of ~~'Cape Angels Pink'~~ 'P000306'.

The first photographic drawing shows a side perspective view of a typical flowering plant of '~~Cape Angels Pink~~' P000306 as grown in 12 cm pots. The second photographic drawing shows a close-up view of typical flowering racemes of '~~Cape Angels Pink~~' P000306.

DETAILED BOTANICAL DESCRIPTION

In the following description, color references are made to The Royal Horticultural Society (RHS) Colour Chart, 4th edition. Plants were grown under greenhouse conditions. The plants described were between 15 and 18 weeks old after cutting, as grown in 12 cm pots.

Parentage: Hybrid backcross between proprietary selection of *Plectranthus saccatus* named 'F1' (*Plectranthus saccatus* x *P. hilliardiae*; unpatented) and unnamed *Plectranthus hilliardiae* (unpatented).

Propagation:

Type cutting. Terminal vegetative cuttings.

Plant description:

Form: Perennial, herbaceous plant with upright, branched plant form.

Crop time: Flowering induced by short day treatment in 12 cm pots for 4 weeks under greenhouse conditions.

Plant height (soil level to top of plant plane): About 35 cm.

Plant spread: About 35 cm

Stem: Upright, stiff, square, branching from base, RHS 136B (dark green)

Vigor: Vigorous growth rate

Foliage description: Leaves single, ovate, serrate. Arrangement: opposite, decussate.

Length: 8 cm. Width: 6 cm. Apex: Acuminate. Base: Cuneate. Texture: adaxial: rough (hispid), shiny; abaxial: smooth, velvety. Venation: ~~brochidodromus~~, prominent, dark purple-brown, N79 B. Color, ventral side: Young foliage, upper and lower surfaces: RHS 136 A, green. Mature foliage, upper and lower surfaces: RHS 136 A. Color, dorsal side: Young foliage, RHS 138 B. Mature foliage: RHS 138 B.

Petiole: 3 cm in length, 5 mm diameter, hispid texture, RHS 147 A

Flower description:

Flower arrangement: Raceme of panicles.

Flower shape: Irregular labiate, flat tubular with 4 lips of different size and shape.

Flower longevity on the plant: Longevity of individual flowers is highly dependent on temperature and light conditions; single flowers last from 4 to 6 days in the greenhouse with full sun and temperatures not exceeding 20 C; plant may retain flowers up to 4 weeks in sufficient light and temperatures not exceeding 20 C.

Number of flowers per inflorescence: 20; 60 stem; up to 150 per plant.

Inflorescence size: Apical: 7 cm; Basal: 3 cm in length; Diameter: 8 cm; average size of individual flower is 22 mm

Floral tube: 22 mm in length; diameter 16 mm vertical; 6 mm horizontal-

Buds: Length: Up to 15 mm before antithesis; height: 5 mm; width: 1 mm; tubular with angular "head", RHS 72 A; base RHS 63 B, pink, to white-purple RHS 72D.

Petals: 5 fused to basal, flat tubular corolla. Lips spotted, velvety texture. Top lip (2 fused) to inverted cordate form, revolute upright, 9 mm. Bottom lip involute, almost cup-shaped, 5 mm. Wing lips small, rounded, 2 mm. Color: ventral side of lips: light purple, RHS 73 B; red-purple spots: N79C; throat: light violet, RHS 85D; dorsal side: light red-purple, RHS 72 C.

Calyx: 5 pointed lobes fused at base; veins: dark purple, N79A; ground tissue: green, RHS 138 C.

Reproductive Organs:

Stamen: 4 monodelphous, lower part fused to corolla tube.

Anther: Kidney-shaped, purple, N79B

Pistil: Lower One, lower part fused to corolla tube; free part 5 mm, curling upward with cleft stigma, purple, N79B

Ovary: N144A, yellow-green; 5 seeds in capsule; color of immature seeds: RHS 150B light yellow green

Seed: 5 seeds per capsule. Immature seeds: RHS 150 B (light yellow-green)

Fragrance: None

Weather tolerance: Plants of the new *Plectranthus* have exhibited good tolerance to drought, rain and wind, low temperature resistant to 5_C.

Amendments to the Abstract:

Abstract of the Disclosure

A new and distinct cultivar of *Plectranthus* plant named '~~Cape Angels~~
~~Pink~~' P000306', characterized by having more compact, freely branching plant habit; shorter
production time; vigorous growth habit; light pink flowers; and dense colorful foliage.

Amendments to the Claim:

I/We Claim:

1. A new and distinct cultivar of *Plectranthus* plant named ~~'Cape Angels~~
~~Pink'~~ 'P000306', as illustrated and described herein.

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the reasons which follow.

The Examiner objects to the disclosure under 37 CFR § 1.163(a) and rejects the claim under 35 U.S.C. 112, first and second paragraphs, as being unsupported by a clear and complete botanical description which distinguishes the cultivar from related known varieties. Favorable reconsideration and allowance of the application is requested in view of the foregoing amendments and the remarks which follow.

In order to expedite the Examiner's review of this response, applicant will address each of the Examiner's objections in the order they were discussed in the Official Action.

A. The specification has been amended at page 1, lines 3 and 8, to replace the recitation "hybridus" with --hybrida--..

B. The specification has been amended at page 1, line 12 – 14, to replace the recitation: "The objective of the breeding program is to improve current blue market cultivar 'Edelbau' by developing more compact growth habit, larger flowers and improved vigor." with the recitation -- The objective of the breeding program is to improve upon the *Plectranthus* varieties currently available, such as the cultivar 'Edelbau' (unpatented) by developing a *Plectranthus* variety with more compact growth habit, larger flowers and improved vigor."

C. The specification has been amended at page 1, line 13, to clarify that the variety 'Edelbau' is unpatented in the U.S.

D. The specification has been amended at page 1, 2nd full paragraph, and at page 4, line 17, to state which parent was used in the backcross.

E. The specification has been amended at page 3, line 4, to quantify the shorter production time.

F. The specification has been amended at page 3, to disclose that the variety used for the comparison date is the variety 'Edelblau'.

G. The specification has been amended at page 1, line 17, to provide a description of the parental cultivars.

H. The specification has been amended at page 5, line 16, to delete the term "brochidodromus".

I. The specification has been amended at page 5, line 20, to provide the average diameter of the petiole.

J. The specification has been amended at page 6, lines 5 – 6 to quantify the lastingness of the bloom.

K. The specification has been amended at page 6, line 18, to correct the typographical error, replacing the recitation "HS" with --RHS--.

L. The specification has been amended at page 6, line 10, to provide the average length of the inflorescence.

M. The specification has been amended at page 6, between lines 10 and 11, to provide the average size of the individual flower.

N. The specification has been amended at page 6, between lines 10 and 11, to provide the average size of the floral tube.

O. The specification has been amended at page 6, line 12, to provide the RHS designation for the "white" color of the bud.

P. Information regarding the sepals is unavailable at this time.

Q. Information regarding the peduncle and pedicel is unavailable at this time.

R. Additional information regarding the stamens and anthers, as well as information regarding the filaments is unavailable at this time.

S. The specification has been amended at page 7, to set forth the pistil number.

T. The specification has been amended at page 7, to import a description of the capsule.

U. The specification has been amended at page 7, to import the degree symbol.

Lastly, the specification has been amended throughout to change the title of the instant plant from 'Cape Angels Pink' to 'P000306'.

Due to the number of changes and/or corrections, Applicants hereby file a substitute specification containing no new matter. The Examiner is authorized to cancel the specification as filed in favor of the attached substitute specification.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should an improper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date: _____

FOLEY & LARDNER LLP
Customer Number: 22428

22428

PATENT TRADEMARK OFFICE

Telephone: (202) 672-5483
Facsimile: (202) 672-5399

By _____

Richard C. Peet
Attorney for Applicant
Registration No. 35,792